IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 24193 of 2003

Between:

Smt.Bucchaiahgari Babakka W/o. Pullanna,
R/o. 16-234, Nadimpalle, Proddatur, Kadapa District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Jammalamadugu, Kadapa District.
2 The Mandal Revenue Officer, Chapadu Mandal, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more particularly in the nature of Writ of Certiorari to call for the records in No.L.Dis. (A).1652/02(1) on the file of the Revenue Divisional Officer, Jammalamadugu and quash the orders passed by the Revenue Divisional Officer, Jammalamadugu vide Proceedings No. L.Dis. (A).1652/02(1), dt.7-12-2002 in rejecting the appeal filed by the petitioner against the orders of the Mandal Revenue Officer,Chapadu, Kadapa District fide Proceedings No.C/260/95, dt.25.6.1998 and consequently direct the respondent authorities to correct the entries in the relevant revenue records by entering my name in respect of the agricultural land extent Ac.2-76 cents in Sy.No.104-2B of Ketavaram Village, Chapadu Mandal, Kadapa District.

Counsel for the Petitioner: MR.P.NAGENDRA REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

The Court made the following:

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ORDER:

Against the orders of the Mandal Revenue Officer dated 25.06.1998, whereby and whereunder, the Mandal Revenue Officer cancelled the DKT patta dated 21.07.1977 granted in favour of the husband of the petitioner, petitioner filed an appeal before the first respondent with delay. The first respondent rejected the appeal on the ground that the appeal is filed after lapse of four years and five months. Assailing the orders of the first respondent, the writ petition is filed. It is contended in the writ petition that after the death of the husband, the petitioner was in possession of the land admeasuring Acs.2.76 in Survey No.104/2B of Ketavaram village in Chapadu Mandal of Kadapa District and that the order of the Mandal Revenue Officer dated 25.06.1998 was never communicated to the petitioner. After coming to know of the orders of the Mandal Revenue Officer, appeal was filed within time.

While admitting the writ petition on 18.11.2003, this Court ordered *status quo* as on that date. In the counter affidavit filed along with the W.V.M.P. No.2747 of 2004, though the allegation made by the petitioner that she is in possession of the land is denied, the writ petition is mainly opposed on the ground that the petitioner has an alternative remedy and that her appeal was barred by limitation. The allegation that the copy of the proceedings of the Mandal Revenue Officer was not communicated to her is not specifically denied. In that view of the matter, instead of keeping the matter pending, the following order is passed.

The first respondent is directed to take the appeal filed by the petitioner against the proceedings dated 25.06.1998 of the Mandal Revenue Officer on his file and after issuing notice to the petitioner or her representative, pass final orders within a period of eight weeks from the date of receipt of a copy of this order. Till then, there shall be *status quo* as to possession.

The writ petition is accordingly disposed of.

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(V.V.S.RAO,J)

29.09.2004

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To

1 The Revenue Divisional Officer, Jammalamadugu, Kadapa District
2 The Mandal Revenue Officer, Chapadu Mandal, Kadapa Distirct

3 2 CCs to the G.P. for Revenue, High Court Buildings, Hyderabad.

(OUT)

4 2 CD copies.